

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>7/10/2025</u>

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DENNIS SUMLIN, *on behalf of himself and all others*
similarly situated,

Plaintiff,

-v-

NEW YORK BEER CO., LLC,

Defendant.
-----X

24-cv-8448 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

By Opinion and Order of June 18, 2025, the Court granted default judgment for Plaintiff Dennis Sumlin (“Sumlin” or “Plaintiff”) on his claims against Defendant New York Beer Co., LLC (“New York Beer” or “Defendant”) under the Americans with Disabilities Act (“ADA”), the New York City Human Rights Law (“NYCHRL”), and the New York State Human Rights Law (“NYSHRL”). Dkt. No. 19. The Court stated that the ADA and NYCHRL provide for awards of attorney’s fees, *see* 42 U.S.C. § 12205; N.Y.C. Admin. Code § 8-502(g), and directed Plaintiff to submit a motion for fees. *Id.* at 13.

Plaintiff moves now for \$2,880 in fees and costs pursuant to 42 U.S.C. § 12205. Dkt. No. 20. The motion is granted.

“A reasonable attorney’s fee award is generally determined by the lodestar method, in which the court multiplies the number of hours reasonably spent by an attorney or paralegal assistant by an appropriate hourly rate.” *Joe Hand Promotions, Inc. v. Levin*, 2019 WL 3050852, at *6 (S.D.N.Y. July 12, 2019) (internal quotation marks omitted). The court “then has discretion to adjust the fee award in light of more subjective factors, such as the risk of the

litigation, the complexity of the issues, and the skill of the attorneys.” *New York State Ass’n for Retarded Child., Inc. v. Carey*, 711 F.2d 1136, 1140 (2d Cir. 1983); *see also Arbor Hill Concerned Citizens Neighborhood Ass’n v. Cty. of Albany*, 522 F.3d 182, 190 (2d Cir. 2008) (further setting out the relevant factors).

Plaintiff’s counsel has submitted an affidavit and accompanying statement supporting the requested costs and fees with specificity. Dkt. Nos. 20-1, 20-3; *see Abdell v. City of New York*, 2015 WL 898974, at *2 (S.D.N.Y. Mar. 2, 2015). His hourly rate of \$400 is “the prevailing rate in the Southern District for ADA cases.” *Winegard v. Crain Commc’ns, Inc.*, 2021 WL 1198960, at *4 (S.D.N.Y. Mar. 30, 2021). The time spent is reasonable considering the extent of litigation and the complexity of the issues.

The motion for attorney’s fees and costs is GRANTED. Plaintiff is awarded \$2,880 in fees and costs.

The Clerk of Court is respectfully directed to close Dkt. No. 20 and to close this case.

SO ORDERED.

Dated: July 10, 2025
New York, New York



LEWIS J. LIMAN
United States District Judge